

1 KEVIN V. RYAN (CASBN 118321)  
2 United States Attorney

ORIGINAL  
FILED

JAN - 6 2005

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND

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SEALED BY ORDER  
OF THE COURT

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

CRO5-00011

MJJ

UNITED STATES OF AMERICA,

Plaintiff,

v.

RUBEN R. CANNON,  
ERIQUE D. DIXON,  
LAWRENCE G. FLEMING, and  
GERARD A. HOOD, JR.,

Defendants.

No.

VIOLATIONS: 18 U.S.C. § 371 -  
Conspiracy; 18 U.S.C. § 111(a), 111(b), and  
2 - Assaulting an Employee of the United  
States; Aiding and Abetting; 18 U.S.C. §  
924(n) - Conspiracy to Violate 18 U.S.C. §  
924(c); 18 U.S.C. §§ 924(c) and 2 - Using  
and Carrying a Firearm During a Crime of  
Violence

OAKLAND VENUE

INDICTMENT

The Grand Jury charges:

COUNT ONE: (18 U.S.C. § 371 - Conspiracy)

1. On or about November 10, 2004, in the Northern District of California, defendants,

RUBEN R. CANNON,  
ERIQUE D. DIXON,  
LAWRENCE G. FLEMING, and  
GERARD A. HOOD, JR.,

did conspire to forcibly assault, oppose, impede, intimidate, and interfere with an employee of  
the United States (as designated in Title 18, United States Code, Section 1114), specifically, a  
United States Postal Carrier, while that employee was engaged in and on account of the

INDICTMENT

1 performance of that employee's official duties, in violation of Title 18, United States Code,  
2 Sections 111(a) and (b).

3 2. In furtherance of the conspiracy and to attain the objects thereof, on November 10,  
4 2004, defendants committed the following overt acts in the Northern District of California:

5 (a) In Richmond, California, defendants CANNON, DIXON, FLEMING, and  
6 HOOD planned to commit a robbery;

7 (b) Defendants CANNON, DIXON, FLEMING, and HOOD drove to another  
8 location to acquire a firearm to use in committing the robbery;

9 (c) Defendants CANNON, DIXON, FLEMING, and HOOD acquired a firearm to  
10 use in committing the robbery;

11 (d) Defendants CANNON, DIXON, FLEMING, and HOOD drove to another  
12 location so defendant FLEMING could get gloves and a mask to use during the robbery;

13 (e) Defendants CANNON, DIXON, FLEMING, and HOOD drove to Oakland,  
14 California, to commit the robbery;

15 (f) Once in Oakland, California, defendants CANNON, DIXON, FLEMING, and  
16 HOOD saw a United States postal truck and a United States postal carrier near that truck, and  
17 defendants CANNON, DIXON, FLEMING, and HOOD agreed to rob that carrier;

18 (g) After agreeing to rob that United States postal carrier, defendant CANNON  
19 drove past the postal truck, turned a corner, and stopped the car;

20 (h) Defendants DIXON, FLEMING, and HOOD got out of the car and approached  
21 the United States postal carrier and his truck, while defendant CANNON stayed in the car;

22 (i) Before they confronted the postal carrier, defendants DIXON and FLEMING  
23 each covered his respective face with a mask, and defendant FLEMING put on gloves;

24 (j) Defendants DIXON, FLEMING, and HOOD confronted the United States  
25 postal carrier and demanded money and other property from the United States postal carrier;

26 (k) Defendants stole a small amount of cash and a cellular telephone from the  
27 United States postal carrier;

28 (l) Defendant HOOD punched the United States postal carrier in the carrier's face,

1 inflicting severe bodily injury to the postal carrier;

2 (m) Defendant FLEMING discharged the firearm, which is a deadly and  
3 dangerous weapon as set forth in Title 18, United States Code, Section 111(b), and shot the  
4 United States postal carrier, inflicting permanent, life-threatening, and severe bodily injury to the  
5 postal carrier;

6 (n) Defendants DIXON, FLEMING, and HOOD returned to the car;

7 (o) Defendant CANNON drove away, with defendants DIXON, FLEMING, and  
8 HOOD as passengers; and

9 (p) Defendants DIXON, FLEMING, and HOOD shared the money they stole from  
10 the United States postal carrier.

11 All in violation of Title 18, United States Code, Section 371.

12 COUNT TWO: (18 U.S.C. §§ 111(a), 111(b), and 2 – Assaulting an Employee of the  
13 United States Using a Deadly and Dangerous Weapon and Inflicting  
Bodily Injury; Aiding and Abetting)

14 3. On or about November 10, 2004, in the Northern District of California,  
15 defendants,

16 RUBEN R. CANNON,  
17 ERIQUE D. DIXON,  
18 LAWRENCE G. FLEMING, and  
GERARD A. HOOD, JR.,

19 did forcibly assault, oppose, impede, intimidate, and interfere with an employee of the United  
20 States (as designated in Title 18, United States Code, Section 1114), specifically, a United States  
21 Postal Carrier, while that employee was engaged in and on account of the performance of that  
22 employee's official duties, and, in committing such acts, did use a deadly and dangerous weapon  
23 and did inflict permanent, life-threatening, and severe bodily injury, and did aid and abet such  
24 assault, opposition, impedance, intimidation, interference, use of such weapon, and such injury,  
25 in violation of Title 18, United States Code, Sections 111(a), 111(b), and 2.

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1 COUNT THREE: (18 U.S.C. § 924(n) – Conspiracy to Use, Carry, Possess, Brandish, and  
2 Discharge a Firearm During and In Relation to a Crime of Violence)

3 4. The allegations in Paragraph 2 and 3 above are incorporated herein by reference.

4 5. On or about November 10, 2004, in the Northern District of California,  
5 defendants,

6 RUBEN R. CANNON,  
7 ERIQUE D. DIXON,  
8 LAWRENCE G. FLEMING, and  
9 GERARD A. HOOD, JR.,

10 did conspire to use, carry, brandish, and discharge a firearm during and in relation to the crimes  
11 of violence alleged in Count One and Count Two herein, which crimes may be prosecuted in a  
12 court of the United States, and did conspire to possess, brandish, and discharge a firearm in  
13 furtherance of those crimes, in violation of Title 18, United States Code, Section 924(n).

14 COUNT FOUR: (18 U.S.C. §§ 924(c)(1)(A)(iii) and 2 – Using and Carrying a Firearm in  
15 Connection with a Crime of Violence; Aiding and Abetting)

16 6. On or about November 10, 2004, in the Northern District of California,  
17 defendants,

18 RUBEN R. CANNON,  
19 ERIQUE D. DIXON,  
20 LAWRENCE G. FLEMING, and  
21 GERARD A. HOOD, JR.,

22 did knowingly use, carry, brandish, and discharge a firearm during and in relation to the crimes  
23 of violence alleged in Count One and Count Two herein, which crimes may be prosecuted in a  
24 court of the United States, and, in furtherance of those crimes, did possess, brandish, and  
25 discharge that firearm, in violation of Title 18, United States Code, Section 924(c).

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SENTENCING ALLEGATION

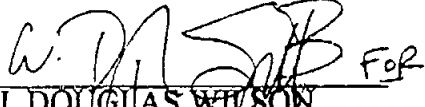
7. With respect to counts one through three of the Indictment, the assault involved more than minimal planning as defined in United States Sentencing Guideline Section 2A2.2.


DATED: January 6, 2005

A TRUE BILL.

FOREPERSON

KEVIN V. RYAN  
United States Attorney

 For  
J. DOUGLAS WILSON  
Acting Chief, Oakland Branch

(Approved as to form: 

AUSA Sprague

## DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT  
☐ SUPERSEDING

## OFFENSE CHARGED

18 U.S.C. Section 371 - Conspiracy; 18 U.S.C. Sections 111(a), 111(b), and 2 - Assaulting an Employee of the United States; Aiding and Abetting; 18 U.S.C. Section 924(n) - Conspiracy; 18 U.S.C. Sections 924(c) and 2 - Using, Carrying, and Possessing a Firearm During a Crime of Violence

☐ Petty  
☐ Minor  
☐ Misdemeanor  
☒ Felony

## PENALTY:

SEE ATTACHED

SEALED BY ORDER  
 OF THE COURT

## PROCEEDING

Name of Complainant Agency, or Person (&amp; Title, if any)

United States Postal Inspection Service

☐ person is awaiting trial in another Federal or State Court, give name of court

☐ this person/proceeding is transferred from another district per (circle one) FRCrP 20, 21 or 40. Show District

☐ this is a re prosecution of charges previously dismissed which were dismissed on motion of:

☐ U.S. Att'y ☐ Defense

SHOW DOCKET NO.

☐ this prosecution relates to a pending case involving this same defendant

MAGISTRATE CASE NO.

☐ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

Name and Office of Person  
 Furnishing Information on  
 THIS FORM

KEVIN V. RYAN

☒ U.S. Att'y ☐ Other U.S. Agency

Name of Asst. U.S. Att'y  
 (if assigned)

Douglas Sprague

Name of District Court, and/or Judge/Magistrate Location  
 NORTHERN DISTRICT OF CALIFORNIA

ORIGINAL  
 FILED

DEFENDANT - U.S.

GERARD A. HOOD, JR.

JAN - 6 2005

DISTRICT COURT NUMBER

RICHARD W. WIEKING  
 CLERK, U.S. DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 OAKLAND

CR05-00011MJJ

## DEFENDANT

## IS NOT IN CUSTODY

- 1) ☒ Has not been arrested, pending outcome this proceeding. If not detained give date any prior summons was served on above charges
- 2) ☐ Is a Fugitive
- 3) ☐ Is on Bail or Release from (show District)

## IS IN CUSTODY

- 4) ☐ On this charge
- 5) ☐ On another conviction
- 6) ☐ Awaiting trial on other charges
- If answer to (6) is "Yes", show name of institution

Has detainer  
 been filed?

☐ Yes  
☐ No

If "Yes"  
 give date  
 filed

DATE OF  
 ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED  
 TO U.S. CUSTODY

Month/Day/Year

☐ This report amends AO 257 previously submitted

## ADDITIONAL INFORMATION OR COMMENTS

## PROCESS:

☐ SUMMONS ☐ NO PROCESS\*

☒ WARRANT Bail Amount: NO BAIL

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

\*Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time:

Before Judge:

Comments:

**United States v.**  
**Ruben R. Cannon, Erique D. Dixon, Lawrence G. Fleming, and Gerard A. Hood, Jr.**

*Maximum Penalties*  
*(Maximum Penalties are the same for each defendant)*

Count One: (18 U.S.C. Section 371 – Conspiracy)

5 years imprisonment; 3 years supervised release; \$250,000 fine; \$100 special assessment

Count Two: (18 U.S.C. Sections 111(a), 111(b), and 2 – Assaulting an Employee of the United States and Inflicting Bodily Injury; Aiding and Abetting)

20 years imprisonment; 3 years supervised release; \$250,000 fine; \$100 special assessment

Count Three: (18 U.S.C. Section 924(n) – Conspiracy to Use, Carry, and Possess a Firearm During and in Furtherance of a Crime of Violence)

20 years imprisonment; 3 years supervised release; \$250,000 fine; \$100 special assessment

Count Four: (18 U.S.C. Sections 924(c) and 2 – Using, Carrying, and Possessing a Firearm During and In Furtherance of a Crime of Violence; Aiding and Abetting)

Life imprisonment; mandatory minimum of 10 years imprisonment consecutive to any term of imprisonment imposed for counts one, two, and three; 5 years supervised release; \$100 special assessment